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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,956	04/12/2001	Catherine Lin-Hendel	LH011	3820
35070	7590	01/10/2011		
ANATOLY S. WEISER 3525 DEL MAR HEIGHTS ROAD, #295 SAN DIEGO, CA 92130			EXAMINER WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3685	
			MAIL DATE	DELIVERY MODE
			01/10/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of :
Catherine Lin-Hendel : SUA SPONTE EXERCISE
Application No. 09/833,956 : OF
Filed: April 12, 2001 : SUPERVISORY REVIEW
Attorney Docket No.: LH011 :
For: SYSTEM AND METHOD FOR LIST :
SHOPPING OVER A COMPUTER NETWORK :

A sua sponte review of the above-noted application file has been conducted. As a result, it has been determined that certain errors on the part of the Office have occurred. In particular, it has been determined that the holding of abandonment following the decision of the Board of Patent Appeals and Interferences (the Board) mailed on November 29, 2010 was premature. The purpose of this communication is to correct this error and clarify the record.

A review of the record reveals that Appellant made a request for rehearing on the Board's decision to affirm-in-part the examiner's final rejection of claims 18-38 mailed on July 22, 2010. Additionally, Appellant made a request for rehearing on August 5, 2010. The Board denied this request in a communication mailed on November 29, 2010. A 2-month period in which review of the November 29th Board decision could be sought before either the Court of Appeals for the Federal Circuit or the U.S. District Court for the District of Columbia. Any holding of abandonment by the examiner following the Board decision would not be proper until the time for seeking court review had passed. Unfortunately, the application was prematurely held to be abandoned in a Notice of Abandonment mailed December 7, 2010.

In view of the fact that there is a 2-month period in which an applicant for patent dissatisfied with the Board decision to deny the request for rehearing may seek judicial review, the holding of abandonment on December 7, 2010 was improper and premature. Accordingly, the holding of abandonment mailed December 7, 2010 is hereby **VACATED**. The period for seeking judicial review continues to run two (2) months from the date of the Board decision.

Any questions regarding this decision should be directed to Supervisory Patent Examiner Calvin Hewitt at (571) 272-6709.



Wynn W. Coggins, Director
Technology Center 3600
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ch: 1/5/11

LM